

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

V.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-DPW

REQUEST FOR HEARING

**UNOPPOSED MOTION TO (A) EXCEED PAGE LIMITS, (B) FILE A REPLY BRIEF,
AND (C) FILE RESPONSE TO COMPLAINT BY OCTOBER 29, 2021**

Defendant eBay Inc. (“eBay”) hereby files this unopposed motion to (a) permit eBay, pursuant to Local Rule 7.1(b)(4), to file a memorandum of law in support of its forthcoming partial motion to dismiss in excess of 20 pages, but not to exceed 35 pages, (b) permit eBay, pursuant to Local Rule 7.1(b)(3), to file a reply brief, not to exceed 15 pages, and within 14 days after Plaintiffs file their opposition to eBay’s motion to dismiss; and (c) to move the date for eBay’s response to the complaint to October 29, 2021. As grounds for this motion, eBay states as follows:

1. Plaintiffs filed their complaint on July 21, 2021. Dkt. No. 1. eBay executed a waiver of service on August 6, 2021. Dkt. No. 48. On September 14, 2021, following an assented-to motion, the Court set eBay's date to respond to the complaint as October 28, 2021. *See* Dkt. No. 36. Since that time, the Court has separately set the response date for other defendants as October 29, 2021. *See* Dkt. Nos. 59, 62.

2. The Plaintiffs' complaint runs over 92 pages, not including over 190 pages of attachments. It alleges twelve different causes of action against eBay, including violations of the

civil RICO statute, violations of Chapter 93A, and the commission of several state law torts.

3. eBay intends to file a partial motion to dismiss the complaint. Given the substantial length and breadth of the complaint, eBay requires more than the standard 20 pages allocated for briefing under Local Rule 7.1(b)(4). eBay seeks to file a memorandum of not more than 35 pages in order to more fully address various grounds for its motion to dismiss. The additional analysis will assist the court in considering eBay's motion to dismiss. eBay has conferred with counsel for the Plaintiffs, who does not oppose this request.

4. eBay also anticipates that a reply brief will assist the Court in deciding the motion, particularly in light of the number of issues likely to be addressed in the partial motion to dismiss and the Plaintiffs' anticipated response. Accordingly, eBay seeks leave to file a reply brief of not more than 15 pages, and not more than 14 days following the filing of Plaintiffs' opposition. eBay has conferred with counsel for the Plaintiffs on this request and she also does not oppose this request.

5. eBay also requests that the Court move eBay's response date one (1) day to October 29, 2021 so that its response date coincides with the response date set for other defendants. Such an adjustment to the briefing schedule may bring additional administrative clarity and efficiency to the docket and further proceedings. eBay has conferred with counsel for the Plaintiffs and she also does not oppose this request.

6. eBay has also conferred with counsel for the other defendants in this matter and none oppose this motion.

WHEREFORE, eBay requests that the Court grant this motion and (a) permit eBay to file a memorandum in support of its forthcoming partial motion to dismiss of not more than 35 pages; (b) permit eBay to file a reply brief of not more than 15 pages within 14 days after

Plaintiffs file their opposition to eBay's motion to dismiss; and (c) move the date for eBay's response to the complaint to October 29, 2021.

REQUEST FOR HEARING

eBay respectfully requests a hearing on this motion should the Court determine a hearing will be helpful to deciding the motion.

Dated: October 21, 2021

Respectfully submitted,

/s/ Jack W. Pirozzolo

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Counsel for eBay Inc.

CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(a)(2), counsel for eBay has conferred with counsel for Plaintiffs, who assented to the relief requested in this motion. I further certify that I have also conferred with counsel of record for the remaining parties in this matter and received no objection to the relief requested herein.

Dated: October 21, 2021

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2021, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: October 21, 2021

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo